

Calendar No. 401

103D CONGRESS
2D SESSION

H. R. 2947

[Report No. 103-247]

AN ACT

To amend the Commemorative Works Act, and for
other purposes.

APRIL 5, 1994

Reported under authority of the order of the Senate of
March 22 (legislative day, February 22), 1994, with
amendments

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 23, 1993

Received

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Read twice and referred to the Committee on Energy and Natural Resources

APRIL 5, 1994

Reported under authority of the order of the Senate of March 22 (legislative day, February 22), 1994, by Mr. JOHNSTON, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend the Commemorative Works Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR**
 4 **MEMORIAL ESTABLISHMENT.**

5 (a) IN GENERAL.—The legislative authority for each
 6 of the following groups to establish a commemorative work

1 (as defined by Public Law 99–652, as amended) shall ex-
2 pire at the end of the 10-year period beginning on the
3 date of enactment of such authority for the respective
4 commemorative work, notwithstanding the time period
5 limitation specified in section 10(b) of that Public Law:

6 (1) The Black Revolutionary War Patriots
7 Foundation.

8 (2) The Women in Military Service for America
9 Memorial Foundation.

10 (3) The National Peace Garden.

11 (b) NAME CHANGE.—(1) The Congress finds that the
12 Peace Garden Project, Incorporated, has changed its name
13 to the National Peace Garden.

14 (2) Any reference in a law, map, regulation, docu-
15 ment, paper, or other record of the United States to the
16 entity referred to in paragraph (1) shall be deemed to be
17 a reference to the National Peace Garden.

18 **SEC. 2. COMMEMORATIVE WORKS ACT AMENDMENTS.**

19 (a) DEFINITIONS.—(1) Section 2(c) of the Act enti-
20 tled “An Act to provide standards for placement of com-
21 memorative works on certain Federal lands in the District
22 of Columbia and its environs, and for other purposes” (40
23 U.S.C. 1002(c)) is amended—

24 (A) by inserting “plaque, inscription,” after
25 “memorial,”;

1 (B) by striking out “a person” and inserting in
2 lieu thereof “an individual”; and

3 (C) by inserting “American” before “history”.

4 (2) Section 2(d) of such Act (40 U.S.C. 1002(d)) is
5 amended by striking “an individual, group or organiza-
6 tion” and inserting “a public agency, and an individual,
7 group or organization that is described in section
8 501(c)(3) of the Internal Revenue Code of 1986 and ex-
9 empt from tax under section 501(a) of such Code, and
10 which is”.

11 (b) AUTHORIZATION.—Section 3 of such Act (40
12 U.S.C. 1003) is amended as follows:

13 (1) In subsection (a), by inserting “on Federal
14 lands referred to in section 1(d)” after “estab-
15 lished”.

16 (2) By redesignating subsection (b) as sub-
17 section (d) and inserting after subsection (a) the fol-
18 lowing new subsections:

19 “(b) A military commemorative work may be author-
20 ized only to commemorate a war or similar major military
21 conflict or to commemorate any branch of the Armed
22 Forces. No commemorative work commemorating a lesser
23 conflict or a unit of an Armed Force shall be authorized.
24 Commemorative works to a war or similar major military

1 conflict shall not be authorized until at least 10 years after
2 the officially designated end of the event.

3 “(c) A commemorative work commemorating an
4 event, individual, or group of individuals, other than a
5 military commemorative work as described in subsection
6 (b) of this section, shall not be authorized until after the
7 25th anniversary of the event, death of the individual, or
8 death of the last surviving member of the group.”.

9 (c) SPECIFIC CONDITIONS APPLICABLE TO AREAS I
10 AND II.—Section 6 of such Act (40 U.S.C. 1006) is
11 amended to read as follows:

12 “SPECIFIC CONDITIONS APPLICABLE TO AREA I AND
13 AREA II

14 “SEC. 6. (a) AREA I.—The Secretary or Adminis-
15 trator (as appropriate) may, after seeking the advice of
16 the National Capital Memorial Commission, recommend
17 the location of a commemorative work in Area I only if
18 the Secretary or Administrator (as appropriate) deter-
19 mines that the subject of the commemorative work is of
20 preeminent historical and lasting significance to the Na-
21 tion. The Secretary or Administrator (as appropriate)
22 shall notify the National Capital Memorial Commission
23 and the committees of Congress specified in section 3(b)
24 of the recommendation by the Secretary or Administrator
25 (as appropriate) that a commemorative work should be lo-
26 cated in Area I. The location of a commemorative work

1 in Area I shall be deemed not authorized, unless, not later
2 than 150 calendar days after such notification, the rec-
3 ommendation is approved by law.

4 “(b) AREA II.—Commemorative works of subjects of
5 lasting historical significance to the American people may
6 be located in Area II.”.

7 (d) SITE AND DESIGN APPROVAL.—Section 7 of such
8 Act (40 U.S.C. 1007) is amended—

9 (1) in the matter preceding paragraph (1) of
10 subsection (a), by striking out “commencing con-
11 struction of the commemorative work” and inserting
12 in lieu thereof “requesting the permit for the con-
13 struction of the commemorative work”;

14 (2) in paragraph (1) of subsection (a)—

15 (A) by inserting “the selection of alter-
16 native sites and designs for” after “regarding”;
17 and

18 (B) by striking out the second sentence;

19 (3) in paragraph (2) of subsection (a), by strik-
20 ing out “and the Secretary or Administrator (as ap-
21 propriate)”;

22 (4) in the matter preceding paragraph (1) of
23 subsection (b), by inserting “(but not limited by)”
24 after “guided by”.

1 (e) CRITERIA FOR ISSUANCE OF CONSTRUCTION
2 PERMIT.—(1) Section 8(a)(3) of such Act (40 U.S.C.
3 1008(a)(3)) is amended by striking out “contracts for con-
4 struction and drawings” and inserting in lieu thereof
5 “contract documents for construction”.

6 (2) Section 8 of such Act (40 U.S.C. 1008) is amend-
7 ed by adding at the end the following:

8 “(c)(1) The Secretary or the Administrator (*as ap-*
9 *propriate*) may suspend any activity under the authority
10 of this Act with respect to the establishment of a com-
11 memorative work if the *Secretary or Administrator deter-*
12 *mines the fundraising efforts with respect to the commemo-*
13 *rative work have misrepresented an affiliation with the*
14 *commemorative work or the United States.*

15 ~~Secretary or Administrator determines that—~~

16 ~~“(A) fundraising efforts with respect to the~~
17 ~~commemorative work have misrepresented an affili-~~
18 ~~ation with the commemorative work or the United~~
19 ~~States; or~~

20 ~~“(B) the percentage of funds raised that is dis-~~
21 ~~bursed for administrative expenses and fundraising~~
22 ~~fees is unreasonable or excessive or otherwise vio-~~
23 ~~lates fund raising standards established by the Sec-~~
24 ~~retary or Administrator.~~

1 “(2) The person shall be required to submit to the
 2 Secretary or Administrator an annual report of ~~operations~~
 3 ~~prepared~~ *operations, including financial statements au-*
 4 *dited* by an independent certified public accountant, paid
 5 for by the person authorized to construct the commemora-
 6 tive work.

7 ~~“(3) The person authorized to construct a commemo-~~
 8 ~~rative work shall require in all fundraising contracts that~~
 9 ~~the fundraiser make its books and records with respect~~
 10 ~~to the commemorative work fully available to the Secretary~~
 11 ~~or Administrator and the Comptroller General of the Unit-~~
 12 ~~ed States for a period of not less than five years after~~
 13 ~~the establishment of the commemorative work.”.~~

14 (f) TEMPORARY SITE DESIGNATION.—Section 9(a) of
 15 such Act (40 U.S.C. 1009(a)) is amended by striking out
 16 “he may designate such a site on lands administered by
 17 him” and inserting in lieu thereof “a site may be des-
 18 ignated on lands administered by the Secretary”.

19 (g) MISCELLANEOUS PROVISIONS.—~~(1) Section~~ *Sec-*
 20 *tion* 10(d) of such Act (40 U.S.C. 1010(d)) is amended
 21 to read as follows:

22 “(d) The Secretary and the Administrator shall de-
 23 velop appropriate regulations or standards to carry out
 24 this Act.”.

1 ~~(2) Section 10(e) of such Act (40 U.S.C. 1010(e))~~
2 is amended to read as follows:

3 ~~“(e) This Act shall apply to all commemorative works~~
4 ~~authorized by Congress before, on, or after the date of~~
5 ~~enactment of this subsection.”.~~

6 (h) SHORT TITLE.—Such Act is amended by adding
7 at the end the following new section:

8 “SHORT TITLE

9 “SEC. 11. This Act may be cited as the ‘Commemora-
10 tive Works Act’.”.

Passed the House of Representatives November 23
(legislative day, November 22), 1993.

Attest: DONNALD K. ANDERSON,
Clerk.